



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT WEDNESDAY, JULY 28, 2021

Board members present: Patrick Dwyer, Ben Niles, Rod Buckley, and Lynn Christensen

Board members absent: Richard Conescu

Staff present: Casey Wolfe, Assistant Planner

1. Call to Order

Patrick Dwyer called the meeting to order at 7:02 p.m.

2. Roll Call

Patrick Dwyer led the pledge of allegiance and swore in members of the public who would be testifying. Rod Buckley read the preamble.

- 3. Bilden Properties, LLC (petitioner/owner)** – Appeal of Administrative Decision determining that the current use of the property is a “junk yard” per the Town Zoning Ordinance and NH RSA 236:112. The parcel is located at 719 Daniel Webster Highway in the C-2 (General Commercial), R-4 (Residential) and Planned Residential Districts. Tax Map 7E, Lot 052. Case # ZBA 2021-07.

At the petitioner’s request, the Board voted 4-0-0 to continue the public hearing to August 25, 2021, on a motion made by Lynn Christensen and seconded by Rod Buckley.

Patrick Dwyer recused himself from Item #4, Lynn Christensen assumed the Chair.

- 4. Nickolay & Tanya Gaponov (petitioners/owners)** – Variance under Section 2.02.1.A.2.c of the Zoning Ordinance to permit a Contractor/Storage Yard as a Level I home occupation. The parcel is located at 109 Bedford Road in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 6C, Lot 194. Case # ZBA 2021-23.

Petitioner was represented by: Tanya & Nikolay Gaponov, petitioners/owners.

Public Comment was received from: Kathleen Versprille, 111 Bedford Road.

The Board voted 3-0-0 to grant the variance, with conditions, on a motion made by Rod Buckley and seconded by Ben Niles.

Patrick Dwyer resumed as chair.

5. **Lanson & Diane Simmons (petitioners/owners)** - Variance under Section 3.05 of the Zoning Ordinance to permit the construction of a detached garage 10 feet from the side property line whereas 15 feet is required. The parcel is located at 25 Souhegan Drive in the R-4 (Residential), Elderly Housing Overlay and Aquifer Conservation Districts. Tax Map 5C, Lot 528. Case # ZBA 2021-24.

Petitioner was represented by: Lanson Simmons, petitioner/owner.

Public Comment was received from: Parlin Margo, 23 Currier Road.

The Board voted 4-0-0 to grant the variance on a motion made by Lynn Christensen and seconded by Ben Niles.

6. **Janheim Associates, LLC (petitioner/owner)** - Variance under Section 3.02, Note 6 of the Zoning Ordinance to permit a 7.5 foot high retaining wall 15 feet from the Daniel Webster Highway right-of-way whereas 50 feet is required. The parcel is located at 281 Daniel Webster Highway in the C-1 (General Commercial), I-1 (Industrial) Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 3D-2, Lot 033. Case # ZBA 2021-25.

Petitioner was represented by: Thomas J. Leonard, Welts, White & Fontaine, PC, Esq.

There was no public comment.

The Board voted 4-0-0 to grant the variance, with conditions, on a motion made by Lynn Christensen and seconded by Rod Buckley.

7. **MJ 20 Beacon St, LLC (petitioner/owner)** - Variance under Section 2.02.7 (A) (6) of the Zoning Ordinance to permit a detached garage 19.9 feet from the edge of a wetland whereas 40 feet is required. The parcel is located at 20 Beacon Drive in the R-1 (Residential, by soils), Floodplain and Aquifer Conservation Districts. Tax Map 5C, Lot 617. Case # ZBA 2021-26.

Petitioner was represented by: Jason Bolduc, CSS, Meridian Land Services, Inc. & Ronny Ghannem, owner.

There was no public comment.

The Board voted 4-0-0 to grant the variance on a motion made by Rod Buckley and seconded by Lynn Christensen.

8. **Andrew Sullivan (petitioner) and 598 DW Highway, LLC (owner)** - Special Exception under Section 2.02.2(C) of the Zoning Ordinance to permit a multi-family residential use in the C-1 (Limited Commercial) District. The parcel is located at 598 Daniel Webster Highway in the C-1 (Limited Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 6D-1, Lot 028. Case # ZBA 2021-27.

Petitioner was represented by: Andrew Sullivan, Sullivan Law, Esq. & Nick Key, developer

Public Comment was received from: Chuck Mower, 4 Depot Street; David Bradish, 5 Wheeler Street; Justin Dunlea, 7 Wheeler Street; Jessica Dunlea, 7 Wheeler Street; and Ginny Zhong, 594 Daniel Webster Highway.

The Board voted 3-1-0 to grant the Special Exception, with conditions, on a motion made by Lynn Christensen and seconded by Rod Buckley. Ben Niles voted in opposition.

- 9. Andrew Sullivan (petitioner) and 598 DW Highway, LLC (owner) -** Variances under Section 3.05 of the Zoning Ordinance to permit construction of 8 multi-family units with a minimum lot area of 26,136 s.f whereas 320,000 is required, a minimum lot depth of 125 feet whereas 200 feet is required, a front setback of 25 feet, whereas 50 feet is required and a rear setback of 22.5 feet whereas 40 feet is required. The parcel is located at 598 Daniel Webster Highway in the C-1 (Limited Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 6D-1, Lot 028. Case # ZBA 2021-28.

Petitioner was represented by: Andrew Sullivan, Sullivan Law, Esq. & Nick Key, developer

Public Comment was received from: Chuck Mower, 4 Depot Street; David Bradish, 5 Wheeler Street; and Jessica Dunlea, 7 Wheeler Street.

Withdrawn by petitioner.

10. Discussion/possible action regarding other items of concern

None.

11. Approval of Minutes – June 30, 2021

The minutes of June 30, 2021 were approved as submitted, by a vote of 4-0-0, on a motion made by Rod Buckley and seconded by Ben Niles.

12. Adjourn

The meeting was adjourned at 9:53 p.m. by a vote of 4-0-0, on a motion made by Lynn Christensen and seconded by Rod Buckley.